

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
San Francisco Division

MARLIN ARD,  
Plaintiff,  
v.  
HILARY BOYD, et al.,  
Defendants.

Case No. 22-cv-03764-LB

**ORDER TRANSFERRING CASE TO  
THE DISTRICT OF OREGON**

Re: ECF No. 1

The Oregon Supreme Court suspended Marlin Ard, an Oregon-based attorney, from the practice of law for one year, effective February 28, 2022. He sued the Oregon Supreme Court justices in this case.<sup>1</sup> There is a similar lawsuit in the District of Oregon involving at least some of the same defendants.<sup>2</sup> The court's earlier order to show cause sets forth the facts in more detail and directed Mr. Ard to respond by September 16, 2022, about whether there is venue in the Northern District of California.<sup>3</sup> He responded that he does not oppose transfer.<sup>4</sup> The court's earlier order

<sup>1</sup> Compl. – ECF No. 1; Opinion, Ex. 2 to *id.* – ECF No. 1-3 at 1. Citations refer to material in the Electronic Case File (ECF); pinpoint citations are to the ECF-generated page numbers at the top of documents.

<sup>2</sup> Am. Compl., *Ard v. Or. State Bar*, No. 20-cv-02143-JR (D. Or. Nov. 22, 2021), ECF No. 47.

<sup>3</sup> Order – ECF No. 46.

<sup>4</sup> Resp. to Order – ECF No. 53.

1 sets forth the legal standards for venue and transfer.<sup>5</sup> There is no connection with this forum, there  
2 likely is no personal jurisdiction, and venue is proper in the District of Oregon. The court transfers  
3 the case to the District of Oregon for lack of venue. (Unlike the pending dispositive motion to  
4 dismiss, which requires the consent of all parties, even non-appearing defendants, for the court to  
5 decide it, *see Williams v. King*, 875 F.3d 500, 503 (9th Cir. 2017), the transfer for lack of venue is  
6 not dispositive and does not require the consent of all parties, *In re U.S. Dep't of Educ.*, 25 F.4<sup>th</sup>  
7 692, 698–99 (9th Cir. 2022).)

8 **IT IS SO ORDERED.**

9 Dated: September 19, 2022



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11 LAUREL BEELER  
United States Magistrate Judge

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United States District Court  
Northern District of California

<sup>5</sup> Order – ECF No. 46.